

Criminal Misc. M- No. 14341 of 2017 (O&M)

Date of decision : August 22, 2017

Malkiat Singh and others

.....Petitioners

Versus

State of Punjab

....Respondent

Criminal Misc. M- No.12732 of 2017 (O&M)

Inderjit Singh and another

.....Petitioners

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ashish Aggarwal, Advocate
for the petitioners. (CRM-M No. 14341 of 2017)

Ms. Kaavya Jariyal, Advocate for
Mr. B.S. Jaswal, Advocate
for the petitioners. CRM-M No. 12732 of 2017

Mr. Devinder Bir Singh, DAG, Punjab.

LISA GILL, J.

This order shall dispose of two petitions i.e. CRM-M Nos. 14341 and 12732 of 2017.

The petitioners in CRM-M No. 14341 of 2017 seek the concession of anticipatory bail in FIR No. 38 dated 09.02.2017 under Sections 323, 325, 354, 34 IPC registered at Police Station Chheharta, District Amritsar city.

The petitioners in CRM-M No. 12732 of 2017 seek the concession of anticipatory bail in the cross case arising out of the above said FIR i.e. Diary No. 064 dated 09.02.2017 under Sections 324, 326, 354,

34 IPC at registered at Police Station Chheharta, District Amritsar city.

While issuing notice of motion in CRM-M No. 14341 of 2017, the contentions on behalf of the petitioners therein were noted as under:-

“ Counsel for the petitioners would contend that the present is a case of version and cross-version with regard to an occurrence that took place on 24.01.2017 as there is land dispute between the parties. The cross-version (Annexure P2) was recorded by Rajbir Kaur wife of the petitioner – Angrej Singh and as per the cross-version, Harmanjit Singh – petitioner No.3 was given Kirpan blow on his little finger of left hand and left side of head by Gurjinder Singh. Injury on left side of head of Harmanjit Singh has been declared as grievous constituting offence under Section 326 IPC. It is further submitted that all other offences in the instant FIR except offence under Section 354 IPC are bailable. The petitioners are ready to face the proceedings, in accordance with law.”

Petitioner No. 1 – Malkiat Singh alias Kaku, petitioner No. 3 Harmanjit Singh and petitioner No. 4 – Bagga alias Sukhwinder Singh were afforded interim relief, which was, however, denied to petitioner No. 2.

While issuing notice of motion in CRM-M No. 12732 of 2017, the contentions on behalf of the petitioners were noted as under:-

“ Counsel for the petitioners would urge that though the present is a case of version and cross-version and is between families of two brothers but the parties could not settle the matter as there is land dispute between them. It is further submitted that the accused in FIR No.38 dated 09.02.2017 under Sections 323, 325, 354 read with Section 34 of the Indian Penal Code (in short 'IPC'), registered at Police Station Chheharta District Amritsar have filed a petition before this Court seeking bail in anticipation of arrest and all the accused

except Angrej Singh have been allowed interim bail vide order dated 27.04.2017 passed in CRM-M No.14341 of 2017. It is further submitted that in the cross-version recorded vide Diary No.64 dated 09.02.2017, grievous injury sustained by Harmanjit Singh on his head has been attributed to the non-applicant Gurjinder Singh. Petitioner No.2 Kulwant Kaur has not been attributed any injury to the other side at whose behest the aforesaid cross-version has been lodged.”

Interim relief was afforded to petitioner No. 2 – Kulwant Kaur but, however, denied to petitioner No. 1 – Inderjit Singh.

Learned counsel for the State, on instructions from ASI Sarwan Singh, informs that petitioners in both the cases have joined investigation and their custodial interrogation is not required.

There are no allegations on behalf of the State that the said petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Petitioner – Inderjit Singh is informed to have been arrested in the meanwhile. CRM-M No. 12732 of 2017 is, thus, dismissed having been rendered infructuous qua petitioner No. 1 – Inderjit Singh. The petition survives qua petitioner No. 2 therein i.e. Kulwant Kaur.

I find no ground for granting the discretionary relief for anticipatory bail to petitioner No. 2 - Angrej Singh in CRM-M No.14341 of 2017. Said petition is dismissed qua petitioner No. 2 therein.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow these petitions in respect to the petitioners as detailed in foregoing paras.

Consequently, order dated 27.04.2017 qua petitioners No. 1, 3 and 4 in CRM-M No. 14341 of 2017 and order dated 08.05.2017 qua petitioner No. 2 in CRM-M No. 12732 of 2017 is made absolute.

CRM-M No. 14341 of 2017 is dismissed qua Angrej Singh – petitioner No. 2 therein.

August 22, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No